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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 2nd August, 1966:—

BILL No. XIV OF 1966

A bill to provide for the constitution and regulation of a Force called the Central Industrial Security Force for the better protection and security of certain industrial undertakings.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Industrial Security Force Act, 1966. Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "Force" means the Central Industrial Security Force constituted under section 3;

(*b*) "industrial undertaking" means any undertaking pertaining to a scheduled industry and includes an undertaking engaged in any other industry, or in any trade, business or service which may be regulated by Parliament by law;

(*c*) "industrial undertaking in public sector" means an industrial undertaking owned, controlled or managed by—

(*i*) a Government company as defined in section 617 of the Companies Act, 1956, 1 of 1956.

(*ii*) a corporation established by or under a Central, Provincial or State Act, which is controlled or managed by the Government;

(*d*) "Inspector-General" means the Inspector-General of the Force appointed under section 4;

(*e*) "Managing Director", in relation to an industrial undertaking, means the person (whether called a managing agent, manager or by any other name) who exercises control over the affairs of that undertaking;

(*f*) "member of the Force" means a person appointed to the Force under this Act other than a superior officer;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "scheduled industry" means any industry engaged in the manufacture or production of the articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951; 65 of 1951.

(*i*) "superior officer" means any of the officers appointed under section 4 and includes any other officer appointed by the Central Government as a superior officer of the Force.

(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

Constitution of the Force.

3. (*1*) **There shall be constituted and maintained by the Central Government a Force to be called the Central Industrial Security Force for the better protection and security of industrial undertakings owned by that Government.**

(*2*) **The Force shall be constituted in such manner, shall consist of such number of superior officers and members of the Force and shall receive such pay and other remuneration as may be prescribed.**

Appointment and powers of superior officers.

4. (*1*) **The Central Government may appoint a person to be the Inspector-General of the Force and may appoint other persons to be Deputy Inspectors-General, Chief Security Officers or Security Officers of the Force.**

(*2*) The Inspector-General and every other superior officer so appointed shall have, and may exercise, such powers and authority as is provided by or under this Act.

Appointment of members of the Force.

5. The appointment of members of the Force shall rest with the Inspector-General who shall exercise that power in accordance with rules made under this Act:

Provided that the power of appointment under this section may also be exercised by such other superior officer as the Central Government may by order specify in this behalf.

Certificates of members of the Force.

6. (*1*) Every member of the Force shall receive on his appointment a certificate in the form specified in the Schedule, under the seal of the Inspector-General or such other superior officer as the Inspector-General may specify in this behalf, by virtue of which the person holding such certificate shall be vested with the powers of a member of the Force.

(*2*) Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a member of the Force.

Superintendence and administration of the Force.

7. (*1*) The superintendence of the Force shall vest in the Central Government, and subject thereto the administration of the Force shall vest in the Inspector-General and shall be carried on by him in accordance with the provisions of this Act and of any rules made thereunder.

(*2*) Subject to the provisions of sub-section (*1*), the administration of the Force within such local limits as may be prescribed shall be carried on by a Deputy Inspector-General, Chief Security Officer or Security Officer in accordance with the provisions of this Act and

of any rules made thereunder and every superior officer placed in charge of the protection and security of an industrial undertaking shall, subject to any directions that may be given by the Central Government in this behalf, discharge his functions under the general supervision, direction and control of the Managing Director of that undertaking.

Dismissal, removal, etc., of members of the Force.

8. Subject to the provisions of article 311 of the Constitution and to such rules as the Central Government may make under this Act, any superior officer may—

(*i*) dismiss, suspend or reduce in rank any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or unfit for the same; or

(*ii*) award any one or more of the following punishments to any member of the Force who discharges his duty in a careless or negligent manner, or who by any act of his own renders himself unfit for the discharge thereof, namely:—

(*a*) fine to any amount not exceeding seven days' pay or reduction in pay scale;

(b) confinement to quarters for a period not exceeding fourteen days with or without punishment, drill, extra guard, fatigue or other duty;

(c) removal from any office of distinction or deprivation of any special emolument.

Appeal and revision.

9. (*1*) Any member of the Force aggrieved by an order made under section 8 may, within thirty days from the date on which the order is communicated to him, prefer an appeal against the order to such authority as may be prescribed, and subject to the provisions of sub-section (3), the decision of the said authority thereon shall be final:

Provided that the prescribed authority may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) In disposing of an appeal, the prescribed authority shall follow such procedure as may be prescribed.

(3) The Central Government may call for and examine the record of any proceeding under section 8 or under sub-section (2)

of this section and may make such inquiry or cause such inquiry to be made and subject to the provision of this Act, may pass such orders thereon as it thinks fit :

Provided that no order imposing an enhanced penalty under sub-section (2) or sub-section (3) shall be made unless a reasonable opportunity of being heard has been given to the person affected by such order.

Duties of members of the Force.

10. It shall be the duty of every superior officer and member of the Force—

(*a*) promptly to obey and execute all orders lawfully issued to him by his superior authority;

(*b*) to protect and safeguard the industrial undertakings owned by the Central Government together with such other installations as are specified by that Government or any other officer empowered by the Government in that behalf, to be vital for the carrying on of work in those undertakings, situate within the local limits of his jurisdiction;

(*c*) to protect and safeguard such other industrial undertakings and installations for the protection and security of which he is deputed under section 14;

(*d*) to do any other act conducive to the better protection and security of the industrial undertakings referred to in clauses (*b*) and (*c*).

Power to arrest without warrant.

11. (*1*) Any superior officer or member of the Force may, without any order from a Magistrate and without a warrant, arrest—

(*a*) any person who has been concerned in an offence relating to any industrial undertaking referred to in clause (*b*) or clause (c) of section 10 punishable with imprisonment for a term exceeding six months, or against whom a reasonable suspicion exists of his having been so concerned; or

(*b*) any person found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing theft of, or damage to,—

(*i*) the property belonging to any industrial undertaking, or

(*ii*) the other installations,

referred to in clauses (b) and (c) of section 10.

(2) If any person is found trespassing on the premises of any industrial undertaking referred to in clauses (b) and (c) of section 10, he may, without prejudice to any other proceedings which may be taken against him, be removed from such premises by any superior officer or member of the Force.

Power to search without warrant.

12. (1) Whenever any superior officer, or any member of the Force, not below the prescribed rank, has reason to believe that any such offence as is referred to in section 11 has been or is being committed and that a search warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence of the offence, he may detain the offender and search his person and belongings forthwith and, if he thinks proper, arrest any person whom he has reason to believe to have committed the offence.

(2) The provisions of the Code of Criminal Procedure, 1898, relating to searches under that Code shall, so far as may be, apply to searches under this section. 5 of 1898.

Procedure to be followed after arrest.

13. Any superior officer or member of the Force making an arrest under this Act, shall, without unnecessary delay, make over the person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken to the nearest police station together with a report of the circumstances occasioning the arrest.

Deputation of the Force to industrial undertakings in public sector.

14. (1) Subject to any general directions which may be issued by the Central Government, it shall be lawful for the Inspector-General, on a request received in this behalf from the Managing Director concerned of an industrial undertaking in public sector, showing the necessity thereof, to depute such number of superior officers and members of the Force as the Inspector-General may consider necessary for the protection and security of that industrial undertaking and any installations attached thereto and the officers and members of the Force so deputed shall be at the charge of the Managing Director.

(2) If the Inspector-General is of the opinion that circumstances necessitating the deputation of the officers and members of the Force in relation to an industrial undertaking under sub-section (1) have ceased to exist, or for any other reason it is necessary so to do he may, after informing the Managing Director of that industrial

undertaking, withdraw the officers and members of the Force so deputed:

Provided that the Managing Director may, on giving one month's notice in writing to the Inspector-General require that the officers and members of the Force so deputed shall be withdrawn, and the Managing Director shall be relieved from the charge from the date of expiration of such notice or from any earlier date on which the Force is so withdrawn.

(3) Every officer and member of the Force, while discharging his functions during the period of deputation, shall continue to exercise the same powers and be subject to the same responsibilities, discipline and penalties as would have been applicable to him under this Act, if he had been discharging those functions in relation to an industrial undertaking owned by the Central Government.

Officers and members of the Force to be considered always on duty and liable to be employed anywhere in India.

15. (*1*) Every superior officer and member of the Force shall, for the purpose of this Act, be considered to be always on duty, and shall, at any time, be liable to be employed at any place within India.

(2) Save as provided in section 14, no superior officer or member of the Force shall engage himself in any employment or office other than his duties under this Act.

Responsibilities of members of the Force during suspension.

16. A member of the Force shall not by reason of his suspension from office cease to be a member of the Force; and he shall, during that period, be subject to the same responsibilities, discipline and penalties to which he would have been subject if he were on duty.

Surrender of certificate, arms, etc., by persons ceasing to be members of the Force.

17. (*1*) Every person who for any reason ceases to be a member of the Force, shall forthwith surrender to any superior officer empowered to receive the same, his certificate of appointment, the arms, accoutrements, clothing and other articles which have been furnished to him for the performance of duties as a member of the Force.

(2) Any person who wilfully neglects or refuses to surrender his certificate of appointment or the arms, accoutrements, clothing and other articles furnished to him, as required by sub-section (*1*), shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalties for neglect of duty, etc.

18. (*1*) Without prejudice to the provisions contained in section 8, every member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by a superior officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force, or who shall be guilty of cowardice, shall, on conviction, be punished with imprisonment for a term which may extend to six months.

(*2*) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this section shall be cognizable. 5 of 1898.

(*3*) Nothing contained in this section shall be construed to prevent any member of the Force from being prosecuted under any other law for any offence made punishable by that law, or for being liable under any such law to any other or higher penalty or punishment than is provided for such offence by this section:

Provided that no person shall be punished twice for the same offence.

Application of Act 22 of 1922 to members of the Force.

19. The Police (Incitement to Disaffection) Act, 1922, shall apply to members of the Force as it applies to members of a police force.

Certain Acts not to apply to members of the Force.

20. Nothing contained in the Payment of Wages Act, 1936, or the Industrial Disputes Act, 1947, or the Factories Act, 1948, or any corresponding law relating to investigation and settlement of industrial disputes in force in a State shall apply to members of the Force. 4 of 1936. 14 of 1947. 63 of 1948.

Protection of acts of officers and members of the Force.

21. (*1*) In any suit or proceeding against any superior officer or member of the Force for any act done by him in the discharge of his duties, it shall be lawful for him to plead that such act was done by him under the orders of a competent authority.

(*2*) Any such plea may be proved by the production of the order directing the act, and if it is so proved, the superior officer or member of the Force shall thereupon be discharged from any liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such order.

(*3*) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any superior officer or member of the Force for anything done or intended to be done under

the powers conferred by, or in pursuance of, any provision of this Act or the rules thereunder shall be commenced within three months after the act complained of shall have been committed and not otherwise; and notice in writing of such proceeding and of the cause thereof shall be given to the person concerned and his superior officer at least one month before the commencement of such proceeding.

Power to make rules

22. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for—

(*a*) regulating the classes, ranks, grades, pay and remuneration of superior officers and members of the Force and their conditions of service in the Force;

(*b*) regulating the powers and duties of superior officers and members of the Force authorised to exercise any functions by or under this Act;

(*c*) fixing the period of service for superior officers and members of the Force;

(*d*) prescribing the description and quantity of arms, accoutrements, clothing and other necessary articles to be furnished to the members of the Force;

(*e*) prescribing the places of residence of members of the Force;

(*f*) institution, management and regulation of any fund for any purpose connected with the administration of the Force;

(*g*) regulating the punishments and prescribing authorities to whom appeals shall be preferred from orders of punishment, or remission of fines or other punishments, and the procedure to be followed for the disposal of such appeals; and

(*h*) any other matter which has to be, or may be, prescribed.

(*3*) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annul-

ment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

(*See* section 6)

A.B. has been appointed a member of the Central Industrial Security Force under the Central Industrial Security Force Act, 1966, and is vested with the powers, functions and privileges of a member of the Force.

STATEMENT OF OBJECTS AND REASONS

At present security arrangements at important industrial undertakings in the public sector are handled by the watch and ward staff of the organisation concerned. The watch and ward staff is generally engaged in guarding the entrances or the perimeter of the industrial undertaking and in preventing entry of unauthorised persons. Unplanned recruitment, inadequate supervision, training and discipline have made the existing watch and ward staff ill-equipped to discharge its responsibilities. It is considered necessary to strengthen the security arrangements in vital industrial undertakings. For that purpose it is proposed to constitute a centrally recuited, organised and trained Industrial Security Force. The Force will primarily be responsible for the watch and ward of industrial undertakings owned by the Central Government and may be deployed at the request and cost of the managements, for security duties of industrial undertakings in public sector.

2. The Bill is intended to give effect to these proposals.

3. The following are the principal features of the Bill:—

(*a*) The Central Industrial Security Force will be constituted and maintained primarily for the better protection and maintenance of industrial undertakings owned by the Central Government (clause 3 of the Bill).

(*b*) The superintendence of the Force shall vest in the Central Government and subject thereto the administration of the Force shall vest in the Inspector-General of the Force who will be assisted by a Deputy Inspector-General, a Chief Security Officer and other Security Officers, etc. (clause 7 of the Bill).

(*c*) On a request being received from the Managing Director of an industrial undertaking in public sector, such number of officers and members of the Force as the Inspector-General may consider necessary may be deputed by the Inspector-General for the protection and security of that industrial undertaking and the cost to be incurred in connection with such officers and members while on deputation shall be borne

by the industrial undertaking and not by the Government (clause 14 of the Bill).

(*d*) The duties of the officers and members of the Force have been spelt out in great detail (clause 10 of the Bill).

(*e*) Limited Powers of arrest and search without warrant have been given to a superior officer under specified circumstances (clauses 11, 12 and 13 of the Bill).

(*f*) Other provisions of the Bill deal with matters relating to recruitment, training, supervision, discipline, removal, dismissal, etc., of the members of the Force.

G. L. NANDA.

NEW DELHI;
The 9th July, 1966.

FINANCIAL MEMORANDUM

As will appear from the statement of "Objects and Reasons" annexed to the Bill, the idea behind the Bill is to create a Central Industrial Security Force for watch and ward purposes in the vital industrial undertakings in the public sector all over the country.

2. Clause 3 and sub-clause (*1*) of clause 4 of the Bill provide that the Force shall consist of such number of superior officers and other ranks and shall receive such pay and other remuneration as may be prescribed.

3. For the implementation and proper working of the scheme the whole country will be divided into three zones and the scheme will be introduced in three stages taking one zone at a time. Initially, 7 battalions of the Central Industrial Security Force will be raised. An estimate of expenditure required for the 7 battalions of the Central Industrial Security Force, and the Intelligence Staff required to cover one zone along with the Headquarters Staff of the Inspector-General of the Force and a Zonal Deputy Inspector-General is given below:

	(Rs. in lakhs.)
Expenditure on Headquarters Staff :	2·78
Expenditure on the 7 battalions (including the Intelligence Staff)	153·12
TOTAL :	155 90
Non-recurring expenditure :	37·69
Recurring expenditure :	118·21

4. As soon as the 7 battalions pass out after training, they will be posted to industrial undertakings which will thereafter bear the full cost of their maintenance. The cost of equipment, including vehicles, arms, etc., and their maintenance in respect of Forces permanently deployed will also be charged to them. Another 7 battalions of the Force will then be raised within the existing sanctioned strength of 7 battalions. This process will continue for 3-4 years until sufficient number of battalions have been raised, trained and posted to industrial undertakings. Proportionate cost of training

and raising a battalion will also be recovered in respect of permanent strength sent to an undertaking.

5. Thus, at the end of the initial 3-4 years, the cost of maintenance of the entire Force will be borne by the participating industrial undertakings. The cost of the Headquarters Staff of the Inspector-General of the Force and the Zonal Deputy Inspector-Generals will be a permanent charge on the Central Government.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 22 of the Bill empowers the Central Government to make rules to carry out the purposes of the proposed enactment. The various matters in relation to which such rules may be made have been detailed in the various items of sub-clause (2) of that clause and relate mainly to the procedure to be followed in regulating the classes and grades, the terms and conditions of service and the powers and duties of, and the punishment to, members of the Force. These matters are details of procedure necessary for the effective governance of the Force and it is difficult to provide for these administrative details in the Bill itself. The delegation of legislative power is of a normal character.

B. N. BANERJEE,
Secretary.

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